

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

----- x  
CHARLES SPROWAL,

Plaintiff,

-against-

Detective TIMOTHY ERWIG, et al.,

Defendants.

**DECLARATION OF  
GABRIEL P. HARVIS**

12 CV 4774 (ERK) (JO)

----- x

GABRIEL P. HARVIS, an attorney admitted to practice before this Court, pursuant to 28 U.S.C. § 1746, hereby declares and affirms under penalty of perjury, as follows:

1. I am a partner in the law firm Harvis Wright Saleem & Fett LLP, the attorneys for plaintiff Charles Sprowal in this action. I submit this declaration in support of my request to withdraw as attorney of record in accordance with Local Civil Rule 1.4.

2. This is a civil rights action alleging claims of unlawful stop and search, excessive force and failure to intervene.

3. The parties attended an initial conference on December 19, 2012, after which the complaint was amended. Defendants have answered the amended complaint.

4. The parties have exchanged initial disclosures and discovery demands. Defendants have responded to plaintiff's discovery demands and plaintiff's

discovery responses are due on March 12, 2013. I intend to prepare and serve timely discovery responses on plaintiff's behalf.

5. Fact discovery is scheduled to conclude on April 19, 2013. Depositions have not yet been scheduled.

6. Fundamental disputes have arisen between this firm and Mr. Sprowal regarding the prosecution of the action. Mr. Sprowal and this firm agree that there is no likelihood that these disputes will be resolved and that this firm should seek withdrawal.

7. This firm is providing Mr. Sprowal with a copy of his file, including the instant motion papers, along with a list of other capable practitioners in this field.

8. There will be no prejudice to Mr. Sprowal or the defendants if leave to withdraw is granted and Mr. Sprowal is given an opportunity to obtain counsel or proceed *pro se*.

9. This firm is not asserting a retaining or charging lien.

Dated: March 4, 2013  
New York, New York

HARVIS WRIGHT  
SALEEM & FETT LLP

A handwritten signature in black ink, appearing to read 'Gabriel P. Harvis', is written over a horizontal line.

Gabriel P. Harvis  
305 Broadway, 14th Floor  
New York, New York 10007  
(212) 323-6880  
gharvis@hwsflegal.com

*Attorneys for Plaintiff Charles Sprowal*

To: Mr. Charles Sprowal (by Fedex)  
  
Brian Francolla, Esq. (by ECF)